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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 2 December 2002 from the Permanent Mission of the Republic of Uzbekistan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Uzbekistan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 1267 (1999) and, with reference to paragraph 6 of Security Council resolution 1390 (2002), has the honour to transmit herewith the report of Uzbekistan prepared pursuant to paragraph 6 of the above-said resolution (see annex).

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Annex to the note verbale dated 2 December 2002 from the Permanent Mission of the Republic of Uzbekistan to the United Nations addressed to the Chairman of the Committee

Report of the Republic of Uzbekistan pursuant to Security Council resolution 1390 (2002)

In its resolution 1390 (2002), the United Nations Security Council requested all States to report to the Security Council Committee established pursuant to resolution 1267 (1999) on the steps they had taken to implement the measures referred to in paragraph 2 of resolution 1390 (2002).

The Republic of Uzbekistan supports Security Council resolution 1390 (2002) and endorses the sanctions regime with respect to Osama bin Laden, members of the al-Qa'idah organization and the Taliban. In this connection, the following measures are in force in Uzbekistan, covering a broad range of practical legislative measures against terrorism, including measures to preclude the possibility of any form of violation of the Security Council sanctions.

The Act of the Republic of Uzbekistan on counter-terrorism, adopted by the Oliy Majlis at its session on 15 December 2000, establishes the responsibility of individuals and entities for participation in terrorist activities.

Article 8 of that Act of the Republic of Uzbekistan determines the State organs responsible for counter-terrorism. The National Security Service of the Republic of Uzbekistan coordinates the activities of the State organs participating in counter-terrorism activities and ensures their cooperation in preventing, exposing and suppressing terrorist activities and minimizing their consequences.

The Ministry of the Interior of the Republic of Uzbekistan counters terrorism in accordance with this Act, which gives it the following powers:

- To counter terrorism by preventing, exposing and suppressing terrorist activities and minimizing their consequences;
- To protect classified and other facilities;
- To provide information to the competent organs of State authority and administrative organs about individuals, groups and entities associated with terrorist activities;
- To exercise other powers in accordance with the legislation.

In implementing the aforementioned Act, the officials of the Ministry of the Interior carry out appropriate measures to expose and thwart the plans and purposes of the Islamic Movement of Uzbekistan, a terrorist organization which is directly associated with al-Qa'idah and the Taliban, and suppress the criminal activities of religious groups of an extremist persuasion which recruit young believers in the territory of the Republic and send them to training camps for militants.

Moreover, the law enforcement agencies carry out their functions on the basis of the Criminal Code and the Code of Criminal Procedure of the Republic of Uzbekistan.

Article 242 of the Code of Criminal Procedure establishes responsibility for the organization of a criminal association, that is to say the establishment or leadership of a criminal association or its subdivisions and activities directed towards ensuring the existence and operation thereof.

Article 243 of the Code of Criminal Procedure establishes responsibility for the legalization of funds derived from criminal activities, that is to say the transfer, conversion or exchange of property derived from criminal activities and the concealment or disguising of the true nature, source, location, means of disposal and transfer and the real right of possession or ownership of such property if it has been obtained through a criminal activity.

In qualifying an act as an act of that kind, it should be borne in mind that funds to which a guilty party attempts to give a legal character must have been obtained through a criminal activity such as drug trafficking, sexual or other forms of exploitation, smuggling, the dissemination of pornographic publications, the trade in arms and other articles taken out of free circulation, and other activities which, under the current Criminal Code, are regarded as crimes.

In cases where a person is guilty of giving a legal character to funds derived from a criminal activity and at the same time deliberately transmits the funds to finance the activities of criminal organized armed groups, that act is, in the aggregate, classified as a crime under articles 242 (the organization of a criminal association) and 243 (the legalization of funds derived from a criminal activity) of the Criminal Code.

In accordance with article 285 of the Code of Criminal Procedure, objects and other valuables acquired with funds obtained through a criminal activity are, by a judgment of the court, used to pay compensation for damage caused to property, while the surplus becomes State revenue.

Article 171 of the Code of Criminal Procedure establishes responsibility for the acquisition or sale of property obtained in a criminal manner.

Article 290 of the Code of Criminal Procedure reaffirms that when residential or business premises, irrespective of the form of ownership, are used for the commission of crimes — high treason, an attack on the constitutional structure or the President of the Republic of Uzbekistan, terrorism or sabotage or when such crimes are connected with premeditated murder, robbery, theft or other serious or particularly serious crimes — the premises in question are subject to attachment.

In accordance with article 75 of the Civil Code and articles 8 and 12 of the Act of the Republic of Uzbekistan on non-State non-commercial organizations, the organization must comply with the legislation, use its property for the purposes stated in its charter and ensure the accessibility of information concerning the use of its property and monetary resources. The organization must publish annual reports on the use of its property.

In accordance with article 53 of the Civil Code, a body corporate may be closed down by a decision of the court if it has engaged in an activity prohibited by law.

Article 787 of the Civil Code of the Republic of Uzbekistan limits the rights of a client to dispose of monetary resources in an account or to halt operations on the account if those monetary resources have been attached.

The procedure for freezing (attaching) accounts and bank deposits is governed by the Republic's legislation on criminal procedure in accordance with article 290 (Attachment of property) of the Code of Criminal Procedure of the Republic of Uzbekistan.

On matters relating to counter-terrorism, the Ministry of the Interior of Uzbekistan is guided also by the treaties between the Republic of Uzbekistan and the States members of the Commonwealth of Independent States. Measures relating to the exchange of information concerning the intentions, movements and interrogation of persons belonging to religious extremist movements and terrorist organizations, the location of their camps and bases and the suppression of their activities are developed and implemented jointly with the Ministries of the Interior of those countries.